

EXHIBIT U

the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses and are recognized by the liquor control board.

NEW SECTION

WAC 246-889-095 Record of sale. Information required. The retailer must record:

- (1) Date of purchase;
- (2) Name of the purchaser;
- (3) Date of birth of the purchaser;
- (4) Type of identification, agency issuing the identification, and the identification number if applicable; and
- (5) Number of packages and the number of tablets per package.

NEW SECTION

WAC 246-889-100 Methods for collecting, recording, and storing records of sales data. Sales records must be maintained on a written or electronic log and must be readily retrievable and contain all information required in WAC 246-889-095. Methods other than electronic or written must be approved in advance by the board of pharmacy and must contain all the information required for a written or electronic log and be retained for the same period of time as a written or electronic log.

NEW SECTION

WAC 246-889-105 Record retention and destruction. The retailer must maintain transaction records for two years. Sales records may be destroyed after the retention period of two years. When records are destroyed, the records must be destroyed in a manner that leaves the record unidentifiable and nonretrievable.

NEW SECTION

WAC 246-889-110 Access to retail records of sales. Records of sales are confidential and are only open to inspection by the board of pharmacy and law enforcement agencies. The retailer does not have to transmit records to law enforcement or the board of pharmacy. Law enforcement and/or the board of pharmacy will request and obtain records if they are needed. Retailers shall also produce the records in a court whenever lawfully required to do so.

WSR 06-02-028

PERMANENT RULES

SECRETARY OF STATE

(Elections Division)

[Filed December 28, 2005, 2:43 p.m., effective January 28, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To implement additional election reforms passed by the 2005 legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 434-208-080, 434-250-100, 434-250-120, 434-250-330, 434-253-020, 434-253-045, 434-253-220, 434-253-240, 434-260-310, 434-261-030, 434-262-013, 434-262-050, 434-262-060, 434-262-080, and 434-379-020.

Statutory Authority for Adoption: RCW 29A.04.611, 29A.04.530.

Adopted under notice filed as WSR 05-22-015 on October 24, 2005.

Changes Other than Editing from Proposed to Adopted Version: In WAC 434-250-100, ballot drop boxes may be emptied by persons appointed by the county auditor, in addition to county auditor's office staff. In WAC 434-250-340, selection of the precincts, and the races and issues within those precincts, is clarified. WAC 434-250-340 also clarifies that the manual count must be conducted prior to the machine count, and that the results must be documented in a report.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 10, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 15, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 28, 2005.

Sam Reed

Secretary of State

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-208-080 Electronic facsimile filings followed by original document. The filing officer shall require that, except for requests for absentee ballots, any acceptance of an electronic facsimile filing be followed by the original document not later than seven calendar days after the receipt of the facsimile filing. If a voted ballot is faxed, ((a)) the ballot and the envelope bearing the original signature of the voter must be received ~~((not later than ten days following a primary or special election or fifteen days following a general election))~~ on or before the date on which the election is certified pursuant to RCW 29A.60.190.

NEW SECTION

WAC 434-215-065 Withdrawal of candidacy. Consistent with RCW 29A.24.131, a candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a

signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods. The filing officer has discretion to permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots have not been ordered. If no primary election is held for the office, the filing officer has discretion to permit the withdrawal at any time before the general election ballots are ordered.

NEW SECTION

WAC 434-250-095 Voting on direct recording electronic voting devices. If a voter who was issued an absentee or mail ballot requests to vote on a direct recording electronic voting device, the county auditor must first confirm that the voter has not already returned a voted ballot. Confirmation that the voter has not already returned a voted ballot may be achieved by accessing the county voter registration system by electronic, telephonic, or other means. If the county auditor is unable to confirm that the voter has not already returned a voted ballot, the voter may not vote on a direct recording electronic voting device.

Consistent with RCW 29A.46.110, in order to prevent multiple voting, the voter must be immediately credited or otherwise flagged as having voted. If a voted absentee or mail ballot is returned after a ballot is cast on the direct recording electronic voting device, the absentee or mail ballot must not be counted.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-250-100 Depositing of ballots. Ballots may be deposited in the auditor's office during normal business hours prior to the day of the election, and from 7:00 a.m. to 8:00 p.m. on the day of the election. Other places of deposit may be staffed or unstaffed.

(1)(a) Staffed sites must be staffed by at least two people. Deposit site staff may be employees of the county auditor's office or persons appointed by the auditor. ((Whenever possible)) If two or more deposit site staff are persons appointed by the county auditor, the ((persons appointed)) appointees shall be representatives of ((each)) different major political ((party)) parties whenever possible. Deposit site staff ((may not be an employee of the jurisdiction for whom the election is conducted and)) shall subscribe to an oath regarding the discharge of the duties ((, administered by the county auditor)).

(b) Staffed deposit sites must be open from 7:00 a.m. until 8:00 p.m. on the day of the election and may be open prior to the election on dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place of deposit on the ballot envelope, and such ballots must be referred to the canvassing board for consideration of

whether special circumstances warrant consideration, as documented by the deposit site staff.

((c) A staffed deposit site that only receives ballots is not considered a polling place. A staffed deposit site that both receives and issues ballots is considered a polling place.

(2) Unstaffed sites may be used if the ballot drop box is either:

(a) Constructed and secured according to the same requirements as United States Postal Service postal drop boxes; or

(b) Secured and located indoors.

(3) Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed. From eighteen days prior to election day until 8:00 p.m. on election day, two people who are either employees of or appointed by the county auditor ((staff members)) must empty each ballot drop box with sufficient frequency to prevent damage or unauthorized access to the ballots. Ballots must be placed into sealed transport carriers and returned to the county auditor's office or another designated location. On election day, ballot drop boxes must be emptied at exactly 8:00 p.m. to ensure that all ballots meet the 8:00 p.m. delivery deadline.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-250-120 Verification of the signature and postmark on ballots. A ballot shall be counted only if:

(1) It is returned in the return envelope, or a similar envelope if it contains the same information and signed affidavit and is approved by the auditor;

(2) The affidavit is signed with a valid signature in the place afforded for the signature on the envelope;

(3) The signature has been verified pursuant to WAC 434-379-020, or if the voter is unable to sign his or her name, two other persons have witnessed the voter's mark;

(4) It is postmarked not later than the day of the election or deposited in the auditor's office, a polling location, or a designated deposit site not later than 8:00 p.m. on election day; and

(5) The ballot is received prior to certification of the election.

The signature on the return envelope, or on a copy of the return envelope, must be compared with the signature ((as it appears on)) in the voter's voter registration ((application, as described)) file using the standards established in WAC 434-379-020. The signature on a return envelope may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

The signature verification process shall be open to the public, subject to reasonable procedures adopted and promul-

gated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-250-330 County auditor's office as a polling place. (1) For elections conducted entirely by mail, services that would have been provided at the polling place must, at a minimum, be provided at the county auditor's office, including provisional ballots (~~and, after January 1, 2006, voting devices that are accessible to the visually impaired~~). Such services must be provided beginning the date that ballots are mailed to voters. Identification must be provided in compliance with RCW 29A.44.205 and WAC 434-253-055, except in the case of replacement ballots as authorized by RCW 29A.48.040. If the auditor does not maintain poll books at the auditor's office, the voter must sign a log sheet that includes the same information that would have appeared in a poll book.

(2) If the persons providing services at the county auditor's office are not employees of the auditor's office but are persons appointed by the county auditor, the appointees must be representatives of different major political parties and must subscribe to an oath regarding the discharge of duties.

~~((Such services must be provided beginning the date that ballots are mailed to voters.))~~

NEW SECTION

WAC 434-250-340 Manual count of selected precincts. In an election conducted entirely by mail, the manual count of precincts requested by political party observers pursuant to RCW 29A.60.170 must be conducted as follows:

(1) Upon mutual agreement, the official political party observers may request that a manual count be conducted of one race or issue in up to three precincts.

(2) The official political party observers may mutually agree on which precincts are to be counted, or may agree that the selection be made at random. Once the three precincts are selected, the official political party observers may mutually agree on which race or issue in each precinct is to be counted, or may agree that the selection be made at random. The selection must occur before election day to allow the county auditor to assemble the proper ballots.

(3) The count may begin no earlier than 8:00 p.m. on election day and must be completed by 8:00 p.m. on the second day after election day. The official political party observers must receive timely notice of the time and location of the count established by the county auditor. However, the process must proceed as scheduled if the observers are unable to attend.

(4) The ballots that are ready for tabulation at the time the count begins must be included in the manual count of the selected precincts.

(5) Once the manual count of the selected precincts is complete, the same ballots must be tabulated by the voting system.

(6) The results of the manual count must be compared to the results of the voting system count, and documented in a

report signed by the county auditor and political party observers present.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-253-020 Polling place—Election supplies. Polling places shall be provided, at a minimum, with the following supplies at every election:

(1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter (~~(- Voters issued absentee ballots must either be noted as absentee or not listed in the poll book)~~);

(2) Inspector's poll book;

(3) Required oaths/certificates for inspectors and judges;

(4) Sufficient number of ballots as determined by election officer;

(5) Ballot containers;

(6) United States flag;

(7) Voting instruction signs;

(8) Challenge and provisional ballots and envelopes;

(9) Cancellation cards due to death;

(10) Voting equipment instructions;

(11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;

(12) Keys and/or extra seals;

(13) Pay voucher;

(14) Ballots stub envelope;

(15) Emergency plan of action;

(16) Either sample ballots or voters' pamphlets;

(17) HAVA voter information poster; and

(18) Voter registration forms.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-253-045 Provisional ballots—Required information. A provisional ballot may not be voted on a direct recording electronic voting device. At a minimum, the following information is required to be printed on the outer provisional ballot envelope:

(1) Name of voter.

(2) Voter's registered address both present and former if applicable.

(3) Voter's date of birth.

(4) Reason for the provisional ballot.

(5) Polling place and precinct number, if applicable, at which voter voted.

(6) Sufficient space to list disposition of the ballot after review by the county auditor.

(7) The following oath with a place for the voter to sign and date:

I do solemnly swear or affirm under penalty of perjury that:

I am a legal resident of the state of Washington;

I am entitled to vote in this election;

I have not already voted in this election;

It is illegal to vote if I am not a United States citizen;

It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;

It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter, except as otherwise provided by law; and

Attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

Signature _____ Date _____

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-253-220 Transfer of ballots prior to closing of the polls. The county auditor may authorize an early pick up of ballots from designated polling places prior to the closing of the polls. Where so authorized, the precinct election officers at the designated polling places shall remove the voted ballots from the voted ballot container at a time specified by the auditor and count the number of ballots. The count shall be entered on the ballot accountability sheet, a transmittal sheet completed and signed, and the ballots sealed in a transfer container in the same manner used for the closing of the polls. The transmittal sheet may be placed with the ballots or it may be attached to the outside of the transfer container. The election officials shall not leave the polling place. Ballot pickup teams, consisting of two employees of the county auditor's office or two representatives of ~~((each))~~ different major political ~~((party and appointed by the county auditor for that purpose))~~ parties, shall be assigned to pick up the transfer containers for return to the counting center.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-253-240 Return of election supplies and materials. Supplies and voting materials, including voted, provisional, challenged, spoiled, unused, and absentee ballots and ballot stubs must be secured and returned to the counting center, the county auditor's office, or any other location designated by the auditor. At least two employees of the county auditor's office or two officials representing different major political parties shall transfer the sealed ballot containers to the counting center, county auditor's office, or other location designated by the auditor. Pursuant to RCW 29A.60.110, ballots tabulated by poll site tabulators may be transported by one employee of the county auditor's office if the container is sealed at the poll site and then verified when returned to the counting center, county auditor's office, or other location designated by the county auditor.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-260-310 Application for initial certification and maintenance of certification. The secretary of state shall make available certification application and maintenance forms to the county auditors. ~~((The county auditor in~~

~~each county shall, not later than January 1 of each year, submit an application for certification for each employee for whom certification and maintenance is requested.))~~ Applications to maintain certification must be submitted to the secretary of state by the county auditor by January 1 each year.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-261-030 ~~((Transfer of ballots to counting center or))~~ Receipt of ballots at intermediate collection station. ~~((After all the business at the polling place is completed, two of the election officials, one representing each major political party, shall transfer the sealed ballot containers to the counting center, or to a designated collection station. At the discretion of the county auditor, a ballot pickup team composed of a representative of each major political party may be directed to stop at the polling place and pick up the sealed containers of voted ballots for return to the counting center as an alternative. Until the voted ballots are received at the counting center or intermediate collection station, they must always be accompanied by a representative of each of the two major political parties. These representatives may be either precinct election officers or the ballot pickup team.))~~

If an intermediate collection station is used, the ~~((station will be staffed by a representative or representatives of the county auditor who shall be responsible for receiving the voted ballot transfer containers from the precinct election officers or ballot pickup team. The))~~ collection station staff shall maintain a ballot transfer container receipt log on which shall be recorded the ~~((precinct))~~ poll site name or number, the date and time of receipt, the seal number of each container, and any other information the auditor deems appropriate. When the last transfer container has been received and logged, or when so directed by the county auditor, the containers shall be transferred to the counting center in an enclosed vehicle accompanied by at least two employees of the county auditor's office or two representatives of ~~((each))~~ different major political ~~((party, appointed for that purpose by the auditor, or as provided in this rule))~~ parties. The transfer container log sheets shall accompany the containers.

~~((The appointed officials accompanying the ballot transfer containers from the collection station to the counting center shall not be of the same political party.))~~ Officials used for this purpose ~~((if))~~ who are not employees of the county auditor's office, political party representatives, or affiliated with a political party ~~((;))~~ may meet the requirements of this rule by declaring in writing nonpolitical party affiliation. These declarations shall be retained by the auditor along with the transfer container log sheets for sixty days after the election.

NEW SECTION

WAC 434-261-045 Secure storage. Received ballots must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. Secure storage must employ the use of numbered seals and logs, or other security measures that will detect any inappropriate access to the secured materials.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-262-013 Crediting voters. Voters shall be credited for voting after each special, primary and general election.

(1) A voter may not be credited for voting if the ballot was voted after election day, was received after certification of the election, or will otherwise not be counted.

(2) ~~((If an election was conducted entirely by mail,))~~ The crediting of absentee or mail ballot voters must be completed prior to the certification of the election. ~~((If an election was conducted using polling places,))~~ The crediting of poll voters must be completed ~~((as soon after the election as possible))~~ within thirty days of the election, and prior to the certification of the election when possible.

(3) The reconciliation of voters credited with ballots counted shall be completed within thirty days following certification of a primary or election. The certification must include, but is not limited to, information indicating that the number of ballots counted equals the number of voters credited. If these numbers do not match, the county auditor must take steps to reconcile the numbers and any discrepancies. If the county auditor cannot reconcile the numbers, documentation of steps taken to reconcile and any other applicable information must be included with the official reconciliation.

(4) Changes to the list of registered voters, such as new registrations, transfers, or cancellations, may not be made following a general election until the crediting reconciliation is complete. Correction of errors is allowed.

(5) The county auditor shall make an electronic or paper copy of the list of registered voters immediately following this reconciliation. Using this data, the county auditor shall also produce validation statistics for each minor taxing district in the county. Once the list is copied and the validation statistics are complete, changes to the data base may be made.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-262-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes. ~~((In the event that))~~ (1) If the county canvassing board, during the verification~~((s))~~ process, discovers that errors or discrepancies exist in the auditor's abstract of votes ~~((or that discrepancies exist between that abstract and the manual or adding machine totals for registered voters and votes cast produced pursuant to WAC 434-262-040))~~, the board shall investigate those errors ~~((and))~~ or discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may ~~((then))~~ proceed to verify votes cast on other measures or ~~((for candidates))~~ races if a majority of the board believes that the nature of the errors or discrepancies discovered warrant ~~((such))~~ further action on their part.

(2) Changes in the results of an election following a recount are not considered errors or discrepancies.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-060 Documentation of corrective action taken. If the canvassing board decides to take corrective action with respect to ~~((any part of the auditor's abstract of votes, they))~~ errors or discrepancies described in WAC 434-262-050, the canvassing board shall prepare a written narrative of the errors or discrepancies discovered, the cause of those errors, if known, and the corrective action taken. ~~((In the event the auditor's abstract of votes))~~ Each member of the canvassing board must sign the written narrative and must initial the auditor's abstract of votes if it is altered or modified by the canvassing board ~~((; those alterations and modifications shall be initialed by each member of the canvassing board, additionally, the written narrative shall be signed by each member of the board)).~~

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-262-080 Transmittal of certified copy of county canvass report to the secretary of state. Immediately following the certification of the returns of any primary, special, or general election in which state measures, federal or state offices, or legislative or judicial offices whose jurisdiction encompasses more than one county appeared on the ballot, the county auditor must transmit those returns to the secretary of state by fax, e-mail, or other electronic means. No later than the next business day, the county auditor must send to the secretary of state a certified copy of that part of the county canvass report and, if applicable, the written narrative, covering those issues and offices ~~((to the secretary of state)).~~ ~~((A copy of the written narrative documenting errors and discrepancies discovered and corrective action taken shall accompany the abstract if applicable. Copies of the adding machine tapes used during the verification process need not be sent to the secretary of state.))~~

AMENDATORY SECTION (Amending WSR 05-12-116, filed 5/31/05, effective 7/1/05)

WAC 434-379-020 Signature verification standard. A signature on a petition sheet ~~((with))~~ must be matched to the signature on file in the voter registration records. ~~((A signature is considered a match if at least three of the following criteria are met:~~

- ~~((1) The capital letters match;~~
- ~~((2) Letters tail off alike;~~
- ~~((3) Letter spacing is the same;~~
- ~~((4) The space between the signature and the line is the same;~~
- ~~((5) The beginning and ending of the signature and the slant are consistent;~~
- ~~((6) Unique letters in the signature match;~~
- ~~((7) The overall appearances match.~~

~~In determining whether a signature matches the signature in the registration file, the age of the voter and the date of the signature on the registration file may also be considered.))~~ The following characteristics must be utilized to evaluate signatures to determine whether they are by the same writer:

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(1) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;

(2) Agreement in the proportions of individual letters, height to width, and heights of the upper to lower case letters;

(3) Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;

(4) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers.

WSR 06-02-038**PERMANENT RULES****DEPARTMENT OF CORRECTIONS**

[Filed December 28, 2005, 4:41 p.m., effective May 1, 2006]

Effective Date of Rule: May 1, 2006.

Purpose: It is the purpose of this order to amend the rule-making order, WSR 05-24-009 filed on November 28, 2005, to delay the effective date of the amendments made to chapters 137-28 and 137-56 WAC and the adoption of chapter 137-25 WAC from January 1, 2006, to May 1, 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 137-28-260 and chapter 137-56 WAC; and adopting chapter 137-25 WAC.

Statutory Authority for Adoption: RCW 72.01.090, 72.09.130, and 9.94.070.

Adopted under notice filed as WSR 05-21-105 on October 18, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 28, 2005.

Eldon Vail
Deputy Secretary
Prisons Division

WSR 06-02-048**PERMANENT RULES****DEPARTMENT OF LICENSING**

[Filed December 29, 2005, 1:06 p.m., effective February 1, 2006]

Effective Date of Rule: February 1, 2006.

Purpose: To revise chapter 308-20 WAC, regulating cosmetologists, barbers, manicurists, and estheticians, in preparation for the department's move to the national written examinations on February 1, 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 308-20-120 Written and performance examinations and 308-20-210 Fees; and new section WAC 308-20-115 Reciprocity—Persons licensed in other jurisdictions.

Statutory Authority for Adoption: RCW 18.16.030 and 43.24.086.

Adopted under notice filed as WSR 05-23-165 on November 23, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 2, Repealed 0.

Date Adopted: December 29, 2005.

Andrea C. Archer
Assistant Director

NEW SECTION

WAC 308-20-115 Reciprocity—Persons licensed in other jurisdictions. The department shall issue a license to any person who is properly licensed in any state, territory, or possession of the United States, or foreign country if the applicant submits:

- (1) Application;
- (2) Fee;
- (3) Proof that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, esthetician, instructor, or the equivalent in that jurisdiction;
- (4) Provides proof that he or she has passed the director approved examinations with the minimum passing score approved by the director.

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

WAC 308-20-120 Written and performance examinations. (1) The department shall administer or approve the administration of a written and performance license examina-